

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	CASE NO. 14-32098-H4-13
	§	
Jose Luis Reyna	§	CHAPTER 13
	§	
DEBTOR	§	

DEBTOR'S MOTION FOR DETERMINATION OF POST-PETITION MORTGAGE FEES, EXPENSES, AND CHARGES FILED BY NATIONSTAR MORTGAGE LLC

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Jose Luis Reyna, Debtor herein, and files this Motion for Determination of Post-Petition Mortgage Fees, Expenses and Charges filed by Nationstar Mortgage LLC and Request for Hearing, and in support thereof would show the following:

1. Debtor filed for relief under Chapter 13 Bankruptcy on 4/16/2014.
2. On 10/23/14, Creditor, Nationstar Mortgage LLC, filed Notice of Post-petition Mortgage Fees, Expenses, and Charges (the "Notice").
3. The Notice includes charges for proof of claim fees and attorney fees, in the amount of \$650.00.
4. Debtor believes that the charges are not recoverable because the fees are pre-confirmation and Nationstar Mortgage LLC is undersecured and not entitled to fees under Section 506(b).
5. Nationstar Mortgage LLC is undersecured. The Debtor valued his property, located at 4907 Tracemeadow Dr., Houston, Texas, 77066, at \$97,993.00. Nationstar Mortgage LLC's claim, which was filed on 6/2/14, is in the amount of \$143,502.76. Consequently, under Section 506(b), reasonable fees can be allowed only to the extent that the creditor is oversecured. *See In re Delmis Fuentes*, Case No. 13-33464-H2-13 (Bankr. S.D. Tex. Mar. 13, 2014); *see also In re Padilla*, 379 B.R. 643 (Bankr. S.D. Tex. 2007), *In re Sanchez*, 372 B.R. 289 (Bankr. S.D. Tex. 2007). The attorneys fees requested were incurred pre-confirmation on or before 7/7/14. Confirmation occurred on 10/20/14. Nationstar Mortgage LLC is not entitled to the pre-confirmation fees.
6. Debtor requests a determination of the fees, expenses, or charges.

WHEREFORE ALL PREMISES CONSIDERED, the Debtor prays the Court will set a hearing to determine the fees, expenses, or charges contained in the Notice, and for any other relief that the Court may deem necessary.

Respectfully submitted,

GUZMAN LAW FIRM

/s/ Sonya N. Gomez

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Attorneys for Debtor(s)

October 24, 2014

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above has been forwarded through the U.S. First Class Mail (on the certified date below), properly stamped and addressed to the following parties of interest:

Jose Luis Reyna
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David G. Peake
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/s/ Sonya N. Gomez

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October 24, 2014